

ESTTA Tracking number: **ESTTA777740**

Filing date: **10/19/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Goodship Inc.
Granted to Date of previous extension	10/22/2016
Address	80 LIVELY BLVD ELK GROVE VILLAGE, IL 60007 UNITED STATES
Attorney information	Ronald S. Bienstock Scarinci & Hollenbeck, LLC 1100 Valley Brook Avenue Lyndhurst, NJ 07071 UNITED STATES trademarks@sh-law.com Phone:201-896-4100

Applicant Information

Application No	86962263	Publication date	08/23/2016
Opposition Filing Date	10/19/2016	Opposition Period Ends	10/22/2016
Applicant	Souldier Company 1077 Balboa Ave. Laguna Beach, CA 92651 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. First Use: 2016/01/01 First Use In Commerce: 2016/01/01
All goods and services in the class are opposed, namely: Jewelry; Jewelry chains; Necklaces; Necklaces made of corrosion-resistant metal; Necklaces made of stainless steel; Necklaces made of precious metals; Sautoir necklaces

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4855800	Application Date	06/09/2015
Registration Date	11/17/2015	Foreign Priority Date	NONE
Word Mark	SOULDIER		

Design Mark	SOULDIER
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2006/05/20 First Use In Commerce: 2006/05/20 apparel and clothing items, namely, Headbands, Cuffs, Belts, Shirts, Pants, Skirts, Vests, Dresses, Socks, Under Garments, Neckwear, Neckties, Footwear, Flip Flops, Sandals, Shoes, Boots, Headwear, Hats, Caps, Hat Bands, Athletic Tops and Bottoms, Swimwear, Gloves, Coats, Jackets, Yoga Clothing, namely, yoga pants and yoga shirts, Outerwear, namely, vests and parkas

U.S. Registration No.	4921580	Application Date	03/25/2015
Registration Date	03/22/2016	Foreign Priority Date	NONE
Word Mark	SOULDIER		
Design Mark	SOULDIER		
Description of Mark	NONE		
Goods/Services	Class 015. First use: First Use: 2006/05/20 First Use In Commerce: 2006/05/20 guitar straps, banjo straps, bass straps, mandolin straps, saddle guitar straps, ukulele straps, guitar cases, mandolin case, ukulele cases		

U.S. Application No.	87195543	Application Date	10/06/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SOULDIER		

Design Mark	SOULDIER
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2011/06/24 First Use In Commerce: 2011/06/24 Jewelry, namely, bracelets, earrings, cufflinks made or coated with precious metal, pendants, rings, necklaces, collar bars and tie bars; jewelry cases; key chains, key rings made wholly or in part of precious metal; Chronometric Instruments, namely, watches, clocks; watch cases, watch straps and fasteners

Attachments	86656074#TMSN.png(bytes) 86575601#TMSN.png(bytes) 87195543#TMSN.png(bytes) Not_Opp.pdf(591968 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Adrian L. Lee/
Name	Adrian L. Lee
Date	10/19/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial No. 86/962,263
Published for Opposition on August 23, 2016

GOODSHIP INC.)	
)	
)	
Opposer,)	
)	Opposition No. _____
v.)	
)	
SOULDIER COMPANY)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Opposer, Goodship, Inc. (“Opposer”), an Illinois Corporation, having its principal place of business at 80 Lively Blvd., Elk Grove Village, IL 60007, is a design manufacturer and seller of accessories for musical instruments, clothing apparel, and jewelry. Opposer believes that it will be damaged if the above-identified application matures to registration, and hereby opposes the same.

As grounds for its opposition, Opposer, by its attorney of record, alleges as follows:

BACKGROUND

1. Upon information and belief, Souldier Company doing business as Souldier Company (“Applicant”) is a Texas Partnership composed of individuals, Michael Hawks, Eric Csecs, and Jeff Toomire, each with a citizenship of the United States, with an address of 1077 Balboa Ave., Laguna Beach, CA 92651.

2. Opposer is the owner of United States Trademark Registration No. 4,855,800 (“800 Mark”) for the standard character mark SOULDIER in International Class 25 for “apparel and clothing items, namely, Headbands, Cuffs, Belts, Shirts, Pants, Skirts, Vests, Dresses, Socks, Under Garments, Neckwear, Neckties, Footwear, Flip Flops, Sandals, Shoes, Boots, Headwear, Hats, Caps, Hat Bands, Athletic Tops and Bottoms, Swimwear, Gloves, Coats, Jackets, Yoga Clothing, namely, yoga pants and yoga shirts, Outerwear, namely, vests and parkas.”

3. Opposer has used the ‘800 Mark in connection with its goods continuously since as early as May 20, 2006.

4. Opposer is the owner of United States Trademark Registration No. 4,921,580 (“580 Mark”) for the standard character mark SOULDIER in International Class 15 for “guitar straps, banjo straps, bass straps, mandolin straps, saddle guitar straps, ukulele straps, guitar cases, mandolin case, ukulele cases.”

5. Opposer has used the ‘580 Mark in connection with its goods continuously since as early as May 20, 2006.

6. Opposer is the owner of United States Trademark Application Serial No. 87/195,543 (“543 Mark”) for the standard character mark SOULDIER in International Class 14 for “Jewelry, namely, bracelets, earrings, cufflinks made or coated with precious metal, pendants, rings, necklaces, collar bars and tie bars; jewelry cases; key chains, key rings made wholly or in part of precious metal; Chronometric Instruments, namely, watches, clocks; watch cases, watch straps and fasteners.” (“Opposer’s Application”).

7. Opposer has used the ‘543 Mark in connection with its goods continuously since as early as June 24, 2011.

8. Opposer has invested substantial amounts of time, money, and other resources in promoting the ‘800 Mark, the ‘580 Mark, and the ‘543 Mark (collectively, the “SOULDIER Marks”) and the professional quality of its goods provided under the SOULDIER Marks throughout the United States, and is continuing to spend substantial amounts of time and money in the promotion of its goods.

9. On April 2, 2016, Applicant filed an application for registration (Trademark Application Serial No. 86/962,263) (“Application”) for the standard character mark SOULDIER OF GOD in International Class 14 for “Jewelry; Jewelry chains; Necklaces; Necklaces made of corrosion-resistant metal; Necklaces made of stainless steel; Necklaces made of precious metals; Sautoir necklaces” (the “Junior Mark”).

10. On August 23, 2016, the United States Patent and Trademark Office (the “USPTO”) published the Application for opposition in the Trademark Official Gazette.

11. Opposer timely filed the First 30-Day Request for Extension of Time to Oppose the Application on September 22, 2016.

12. The Board granted Opposer’s First 30-Day Request for Extension of Time to Oppose the Application on the same day.

13. Opposer files this Notice of Opposition before the expiration of the First 30-Day Request for Extension of Time to Oppose the Application.

14. Opposer has priority of use in connection with its ‘543 Mark by virtue of its earlier date of first use in commerce of said mark over any first use date of the subject applied-for mark that can be established by Applicant, as Applicant claims a date of first use of January 1, 2016, which date is after Opposer’s June 24, 2011 date of first use in commerce of its ‘543 Mark in connection with its goods.

15. Opposer has priority of use in connection with its '800 Mark and '580 Mark by virtue of its earlier date of first use in commerce of said marks over any first use date of the subject applied-for mark that can be established by Applicant, as Applicant claims a date of first use of January 1, 2016, which date is after Opposer's May 20, 2006 dates of first use in commerce of its '800 Mark and '580 Mark in connection with its goods.

16. The Junior Mark wholly incorporates Opposer's '543 Mark and other SOULDIER Marks. The remaining portion of Applicant's Junior Mark is comprised of "OF GOD."

17. Opposer has not authorized Applicant to incorporate the '543 Mark or any of its SOULDIER Marks into its Junior Mark, and Opposer has not authorized Applicant to use Opposer's '543 Mark or any of its SOULDIER Marks in any manner whatsoever.

18. The Junior Mark is confusingly similar to Opposer's '543 Mark and the SOULDIER Marks such that the Applicant's application for the mark SOULDIER would be inconsistent with, and damaging to, Opposer's prior rights in and to its SOULDIER Marks.

19. Opposer has a real interest in this matter, as Applicant's Junior Mark so resembles Opposer's SOULDIER Marks as to be likely, when applied to Applicant's goods, to cause confusion, mistake, and/or to deceive as well as cause damage to Opposer and the consuming public.

20. The goods set forth in the Application are highly related to Opposer's goods listed in Opposer's registration for the '800 Mark and in Opposer's Application for the '543 Mark, thereby increasing the likelihood that consumers will be confused.

21. The goods set forth in the Application for the Junior Mark fall into the natural zone of expansion of the goods listed in Opposer's registration for the '800 Mark.

22. Opposer will be damaged if Applicant's subject Application is allowed to mature to registration because such application is supporting and assisting Applicant in the confusing and misleading use of the mark SOULDIER.

WHEREFORE, Opposer prays that the Trademark Application Serial No. 86/962,263 be refused and not be allowed to mature to registration.

Dated: Lyndhurst, New Jersey
October 19, 2016

Respectfully submitted,
SCARINCI & HOLLENBECK, LLC

By: _____
Ronald S. Bienstock, Esq.

Scarinci & Hollenbeck, LLC
1100 Valley Brook Avenue
Lyndhurst, NJ 07071

ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and complete copy of the foregoing notice of opposition, has been served via federal express, POSTAGE pre-paid, on this 19th day of October, 2016, on:

SOULDIER COMPANY DBA SOULDIER COMPANY
C/O JEREMIAH DONATI
JEREMIAH DONATI, ATTORNEY AT LAW
3327 W. 4TH STREET
FORT WORTH, TX 76107

ATTORNEY FOR APPLICANT

s/ Adrian L. Lee
Adrian L. Lee, Esq.

CERTIFICATE OF FILING

I hereby certify that this correspondence, including all enclosures and attachments, is being transmitted to the United States Patent and Trademark Office, Trademark Trial and Appeal Board, via the TTAB's ESTTA procedure on October 19, 2016.

s/ Adrian L. Lee
Adrian L. Lee, Esq.